IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

–

WRIT PETITION NO : 18806 of 2005

Between:

Smt. Rai Lakshmi Venkata Ramanamm, W/o. Appala Naidu, Aganampudi Post, Visakhapatnam District.

..... PETITIONER

AND

1. The Commissioner, Endowments Department, Hyderabad.
2. The Assistant Commissioner, Endowments, Department.

Visakhapatnam.
3. Manager, Guragamamba, Ammavari Temple, Office of the

Manager, Sri Venkateswara Swamy Temple, Appaya

Nagar, National Highway -5, Visakhapatnam - 13.

...RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Endowments appearing for respondents 1 and 2 and Smt N.Indrani learned standing counsel appearing on behalf of the third respondent.

The petitioner is essentially aggrieved by the notice issue in Form I, under Rule 5 (1) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act,1987 (for short ‘ the Act 1987) issued by the third respondent directing the petitioner’s eviction from lands in an extent of AC.2.06 cents in Survey No.165 in Lankalapalem Vilage, Parawada Mandal, Visakhapatnam District on the premise that the lands belong to Durgamamba Ammavari Temple, as the lease in the petitioner’s favour has been cancelled and he is liable for eviction or else he would be treated as an encroacher and evicted under Section 83 (4) of the Act, 1987.

The petitioner claims to be the owner of the property and that the property is not endowment property. Therefore, the dispute is as to the title to the property. Such disputes are required be determined in proceedings under Section 83 of the Act, 1987. As and when steps are taken for evicting the

petitioner treating him as an encroacher, the petitioner could also defend himself by contending and establishing that the lands belong to him. If on the other hand, the petitioner desires to establish his title to the lands, he is at liberty to approach the appropriate Civil Court of Competent jurisdiction seeking an appropriate declaratory relief with or without an injunctive relief. In any event the dispute between the petitioner and respondents, are not appropriate for determination under Article 226 of the Constitution of India. The dispute that the petitioner urges in this writ petition does not have an adjudictive disposition under Article 226 of the Constitution of India. There are no merits.

The writ petition is accordingly dismissed. The petitioner is at liberty to pursue the appropriate alternative remedies as advised. No costs.

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25-08-2005

kvrm